

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

GS HOLISTIC, LLC,

Plaintiff,

:

Case No. 1:23-cv-666

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

MR. PUFF SMOKE SHOP, LLC, et al.,

Defendants.

:

REPORT AND RECOMMENDATIONS

This civil action under the Lanham Act was filed by Plaintiff on October 17, 2023 (Complaint, ECF No. 1). On January 16, 2024, Plaintiff sought an extension of time to February 16, 2024, to perfect service which the Court granted (ECF No. 5, 6). As of the date of this Report, however, Plaintiff has not filed proof of service on either of the Defendants.

Under Fed.R.Civ.P. 4(m), a defendant who has not been served with process within ninety days of the filing of the complaint is to be dismissed without prejudice in the absence of a showing of good cause. Upon such a showing, the Court extended Plaintiff's time under Fed.R.Civ.P. 4(m), but that extension has now long since passed and no further extension has been sought. As of the date of this Report, 182 days have elapsed since the Complaint was filed, slightly more than double the presumptive limit set by Rule 4(m).

Accordingly, it is respectfully recommended that both Defendants be dismissed without prejudice and the case be closed on the docket.

April 16, 2024.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #